THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.9683 of 2006

Dated:6th June, 2006

Between:

Sk.Khadar Basha, s/o. Khader

Mohiuddin.

…..PETITIONER

AND

The Vice Chairman & Managing Director,

A.P.State Civil Supplies Corporation Ltd.,

Regd. Office No.6-3-655/1/A,

Civil Supplies Bhavan, Somajiguda,

Hyderabad – 500 082 & 3 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.13302 of 2002

ORDER:

The petitioner who is a Junior Assistant Grade-III in the A.P.State Civil Supplies Corporation, while working at Tangutur in Prakasam District at the point of M.L.S, on 27-2-2004 and
28-2-2004, a surprise check was made by the District Supply Officer, Ongole, and on physical verification of stocks it was noticed that there was shortage of 922 bags of rice i.e., 47,474 Mts, and at the request of the petitioner, the District Collector, Ongole ordered Revenue Divisional Officer, Ongole to re-verify the stocks, who on re-verification noticed a shortage of 833 bags of rice i.e., 26.313 M.Ts., and has found that 500 bags of rice received on
26-2-2004 were not entered in the stock register. The petitioner was placed under suspension by proceedings No.A1/1000/2004 dated 8-3-2004 of the District Collector, Prakasam District.

The Zonal Manager, A.P. State Civil Supplies Corporation, Vijayawada, conducted enquiry into the charges, based on the charge memo No.P.Admn.No.A2/02880/2004, dated 15-6-2004, and held that all the ten charges leveled against the petitioner are proved. Based on the enquiry report submitted by the Zonal Manager, A.P. State Civil Supplies Corporation, Vijayawada, the respondent No.1, by the impugned proceedings No.P.Admn.A2/02880/2004, dated 31-3-2006, observed that the petitioner as a result of misconduct and mis-appropriation has caused not only huge loss but also damage to the reputation of the Corporation and dismissed the petitioner, which is the subject matter of the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is submitted by the learned Government Pleader for Civil Supplies that against the proceedings of the 1st respondent
dated 31-3-2006, the petitioner has a remedy of appeal. Learned counsel for the petitioner submits that the petitioner has filed an appeal on 4-4-2006, before the 2nd respondent.

Taking into consideration the submissions made by both the counsel, the writ petition is disposed of with a direction as under.

If the petitioner has filed an appeal dated 4-4-2006 before the 2nd respondent, the 2nd respondent is directed to consider and pass appropriate orders, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.
No costs.

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(N.V. RAMANA, J.)

Date:6th June, 2006.

GRK